

Message Text

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NSF-01 CG-00 DOTE-00 CIAE-00 DODE-00 INR-10
NSAE-00 PA-01 USIA-06 SP-02 OIC-02 ISO-00 /129 W
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P R 162319Z MAR 78
FM AMEMBASSY CANBERRA
TO SENSTATE WASHDC PRIORITY 2705
INFO AMEMBESSY BRASILIA PRIORITY
AMEMBASSY BUENOS AIRES BQYE
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
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C O N F I D E N T I A L SECTION 1 OF 3 CANBERRA 1980

FROM USDEL ANTARCTIC

BRASILIA FOR ASSISTANT SECRETARY MINK

DEPARTMENT PASS MARINE MAMMAL COMMISSION

E.O. 11652 GDS
TAGS: XM, EFIS
SUBJ: ANTARCTIC TREATY: SUMMARY REPORT ON ANTARCTIC TREATY
SPECIAL CONSULATIVE MEETING IN CANBERRA ON MARINE LIVING
RESOURCES

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REF: CANBERRA 1914(NOTAL)

1. BEGIN SSMMARY SPECIAL CONSULTATIVE MEETING ADJOURNED
MARCH 16 HAVING AGREED TO RECOMMEND CHAIRMAN'S SECOND REVISED
TEXT OF A DRAFT CONVENTION TO THEIR GOVERNMENTS FOR
FURTHER STUDY, TO CONSIDER THAT TEXT AS A BASIS FOR
FURTHER NEGOTIATION, AND TO RECONVENE IN BUENOS AIRES

IN EARLY JULY TO RESUME CONSIDERATION OF THE DRAFT TEXT
AND DECIDE ON THE ARRANGEMENTS FOR THE "DECISIVE" MEET-

ING TO ADOPT THE CONVENTION. THE DRAFT CONVENTION AS
IT NOW STANDS REFLECTS US ECOSYSTEM APPROACH, OUR EM-

PHASIS ON A STRONG NONSERVATION STANDARD, END OUR DE-
SIRE FOR SEPARATE SCIENTIFIC COMMITTEE AND EFFECTIVE
INSPECTION PROVISIONS. NEVERTHELESS, VOTING PROCEDURES
IN THE COMMISSION END LACK OF SPECIFICITY ON METHOD OF
FINANCING REMAIN PROBLEM AREAS FOR US. JURIDICAL FOR-
MULATION ON CLAIMS ISSUE, EUROPEAN MEMBERSHIP ACCESSION,
AND INCREASING FRENCH SENSITIVITY ABOUT INCLUSION OF
THEIR SOUTHERN TERRITORIES (KERGUELEN ISLAND) IN CON-
VENTION AREA ARE POTENTIALLY DIFFICULT SUBJECTS.
QUESTION OF INTERIM MEASURES BEFORE CONVENTION COMES
INTO EFFECT HAS NOT YET BEEN ADDRESSED. TEXTS OF DRAFT
CONVENTION, INTERIM REPORT OF THE SPECIAL CONSULTATIVE
MEETING, AND CHAIRMAN'S PRESS STATEMENT FOLLOW BY
SEPTELS. END SUMMARY.

2. THERE FOLLOWS US DELEGATION'S PRELIMINARY ASSES-
MENTS OF THE SPECIAL CONSULTATIVE MEETING(SCM) ON
ANTARCTIC MARINE LIVING RESOURCES WHICH ADJOURNED
MARCH 16. DELEGATIONS AGREED TO RECOMMEND TO THEIR
GOVERNMENTS THAT SCM RECONVENE AND TO CONVEY
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TO THEIR GOVERNMENTS ARGENTINE INVITATION TO HOST
RESUMED SESSION IN BUENOS AIRES IN EARLY JULY, 1978.

3. DELEGATIONS AGREED TO CONSIDER CHAIRMAN'S MARCH 15
DRAFT CONVENTION(SECOND REVISION) AS A UNIFIED TEXT FOR
FURTHER NEGOTIATION AND TO REFER IT TO THEIR GOVERNMENTS
FOR STUDY. (TEXT CONTAINED SEPTEL.) PRODUCTION OF
UNIFIED TEXT AND ITS ACCEPTANCE AS A BASIS FOR FURTHER
NEGOTIATION REPRESENTS MAJOR PROGRESS. DEGREE OF PRO-
GRESS CAN BE JUDGED AGAINST FACT THAT BY THIRD DAY OF FIRST WEEK
THE SCM HAD EIGHT DRAFT CONVENTIONS ON THE TABLE REFLECTING
IMPORTANT DIFFERENCES ON ALMOST ALL SUBSTANTIVE ISSUES. OUTCOME

OF MEETING TESTIFIES TO DETERMINATION AND COMPETENCE OF
SCM CHAIRMAN ROWLAND AND HIS STAFF.

4. IN VIEW OF U.S. DELEGATION, CHAIRMAN'S INITIAL TEXT
CAN SET SOME S.S. NEGOTIATING OBJECTIVES ON ALL POINTS
THAT IT COVERS WITH ONE IMPORTANT EXCEPTION - - -
THE VOTING PROCEDURE CONTAINED IN ARTICLE X. ARTICLE X
PROVIDES THAT FINAL DECISIONS ON TOTAL ALLOWABLE CATCHES

IN THE CONVENTION AEA AND IN REGIONS END SUBREGIONS AS WELL AS DELINEATION OF REGIONS END SUBREIGIONS THEMSELVES BE TAKEN BY CONSENSUS. TWO THIRDS VOTE INCLUDING TWO-THIRDS CONSULTATIVE PARTIES REQUIRED FOR ALL OTHER SUBSTANTIVE MATTERS.

5. DRAFT CONVENTION INCORPORATES A CONSERVATION STANDARD CONSISTENT WITH U.S. ECOSYSTEM APPROACH. PROVISIONS DEALING WITH THE ORGANIZATIONAL STRUCTURE OF THE REGIME, SPECIFICALLY THE COMMISSION AND THE SCIENTIFIC COMMITTEE, ALSO APPEAR TO ACCORD WITH U.S. OBJECTIVES.

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USIA-06 SP-02 OIC-02 ISO-00 /118 W
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P 162319Z MAR 78
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC PRIORITY 2706
INFO AMEMBASSY BRASILIA PRIORITY

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FROM USDEL ANTARCTIC

BRASILIA FOR ASSISTANT SECRETARY MINK

DEPARTMENT PASS MARINE MAMMAL COMMISSION

6. THE FORMULATION OF JURIDICAL ISSUES (ARTICLE IV, IX AND XXI) REPRESENTS A DELICATE BALANCE OIN CLAIMANT AND NON-CLAIMANT POSITIONSBM OUR PRELIMINARY VIEW IS THAT IT SAFEGUARDS U.SBM POSITION AND SHOULD BE ACCEPTABLE.

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7. THERE ARE TWO ADDITIONAL ISSUES OF IMPORTANCE TO U.S. NOT COVERED IN CHAIRMAN'S DRAFT NONVENTION. FIRST IS QUESTION OF A FORMULA FOR CONTRIBUTIONS TO BUDGET OF COMMISSION TO BE ESTABLISHED. DRAFT AS IT STANDS SIMPLY PROVIDES THAT COMMISSION SHOULD, ACTING ON BASIS OF UNANIMITY, DECIDE UPON APPOTIONMENT OF CONTRIBUTIONS. INCLUSION OF POINT IN THIS FORM IN TEXT (ARTICLE XVII) REFLECTS LACD OF AGREEMENT ON POINT RATHER THAN PROPOSED SOLUTION.

8. MORE IMPORTANT IS WHAT MIGHT BE CALLED START UP PROBLEM - - - THE QUESTION OF HOZ FIRST SET OF CONSER-

VATION MEASURES WILL BE DEVELOPED AND APPLIED. IN ONE FORM, THIS IS SUBSUMED UNDER CONCEPT OF INTERIM MEASURES. IT ALSO RELATES DIRECTLY TO VOTING FORMULA IN COMMISSION. APPROPRIATE OCCASSION FOR SCM CONSIDERATION OF INTERIM MEASURES OR START UP PROBLEM DID NOT ARISE AND ISSUE IS NOT COVERED IN COMMISSION DRAFT. WE WILL WISH TOMAKE THIS AN IMPORTANT ITEM DURING NEGOTIATIONS WHICH RESUME IN JULY.

9. LOOKING TOWARD THOSE NEGOTIATIONS FROM THIS VERY PRELIMINARY PERSPECTIVE, U. S. WILL FACE DIFFICULT TASK OF SEEKING REVISION IN A LIMITED NUMBER OF PROVISIONS

(ESSENTIALLY VOTING PROCEDURES) WHILE SEEKING TO PROTECT FAVORABLE FORMULATIONS OF A LARGER NUMBER OF BASIC SUBSTENTIVE PROVISIONS.

10. AMONG LATTER IS CONSERVATION STANDARD WHICH WILL

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BE OBJECT OF ATTACK FROM HARVESTING STATES, PARTICULARLY USSR AND POLAND. (JAPAN MOVED CONSIDERABLE DISTANCE TOWARD VERSION NOW CONTAINED IN THE TEXT, BUT

IS NOT THERE YET.)

11. THERE WILL BE PUSH TO EXTEND PRINCIPLE OF UNANI-

MITY WITHIN COMMISSION VOTING SYSTEM FROM HARVESTING STATES.

12. USSR AND POLAND HAVE BASIC PROBLEMS WITH SYSTEM OF INSPECTION AND OBSERVATION (ARTICLE XXIII) AND WILL CONTINUE TO SEEK TO CHANGE IT.

13. DEDICATE BALANCE ON JURIDICAL ISSUES COULD EASILY BE UPSET BY EFFORTS FROM EITHER CLAIMANT OR NON-CLAIMANTS. IT IS USDEL VIEW THAT APPROACH CONTAINED IN CHAIRMEN'S TEXT IS PROBABLY ULTIMATELY ACCEPTABTE TO USSR AND JAPAN AS WELL AS CHILE, ARGENTINA AND AUSTRALIA. IMPORTANT ELEMENT IN JURIDICAL APPROACH, HOWEVER, IS CONCEPT THAT COASTAL STATES WILL BIND THEMSELVES TO ACCEPT NONSERVATION MEASURES AGREED BY THE COMMISSION IN AREAS UNDER THEIR JURISDICTION. CLAIMANTS WOULD INTERPRET TERM COASTAL STATES TO BE VALID NORTH AND SOUTH OF 60 DEGREES SOUTH LATITUDE; NON CLAIMANTS COULD INTERPRET TERM TO BE VALID ONLY NORTH OF 60 DEGREES SOUTH LATITUDES. THIS APPROACH HAS COME UNDER ATTACK FROM FRANCE ON ONE HAND, WHICH OPPOSES ANY LIMITATION WHATSOEVER ON ITS SOVEREIGN PREROGATIVES AROUND KERGUELEN AND OTHER TERRITORIES NORTH OF 60 DEGREES S. ON THE OTHER HAND, POLAND HAS TAKEN POSITION THAT COMMISSION SHOULD HAVE RIGHT NOT ONLY TO ADOPT CONSERVATION MEASURES IN SUCH AREAS BUT ALSO TO ALLOCATE AMONG FISHING NATIONS. RESOLVING THIS DIFFICULTY WILL BE MAJOR ISSUE AND THREATENS TO UNRAVEL JURIDICAL PACKAGE CONTAINED IN CHAIRMAN'S DRAFT.

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14. ADDITIONAL THORNY ISSUE WHICH REMAINS TO BE DEALT WITH IS QUESTION OF PARTICIPATION OF THE EUROPEAN COMMUNITY IN THE FINAL STATE OF NEGOTIATION AND THE REGIME.

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FM AMEMBASSY CANBERRA

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INFO AMEMBASSY BRASILIA PRIORITY

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FROM USDEL ANTARCTIC

BRASILIA FOR ASSISTANT SECRETARY MINK

DEPARTMENT PASS MARINE MAMMAL COMMISSION

C O R R E C T E D C O P Y FOR GARBLED THRU-OUT TEXT

15. AS A ROUGH INDICATION OF OVERALL POSITIONS, AUSTRALIAN, BELGIUM, NEW ZEALAND, NORWAY, SOUTH AFRICA, THE UNITED KINGDOM AND PERHAPS CHILE SEEMED PREPARED TO SEE THE CHAIRMAN'S TEXT SERVE AS FORMAL NEGOTIATING DO-CONFIDENTIAL

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CUMENT FOR THE FINAL STAGE OF NEGOTIATION (THE DECISIVIE MEETING) WHILE ARGENTINA, FRANCE, JAPAN POLAND AND THE USSR SUPPORTED NEED FOR MORE WORK ON TEXT BEFORE GOING TO FINAL PHASE.

16. FROM U.S. PERSPECTIVE, NEGOTIATION AT SCM UN-FOLDED AS A TWO LEVEL OPERATION. ON BASIC JURIDICAL ISSUES US FOUND ITSELF ALLIED WITH OTHER NON-CLIMANTS (PARTICULARLY USSR AND JAPAN) AGAINST CLAIMANT STATES. ON CONSERVATION ISSUES, US WORKED WITH LATINS, AUSTRALIA,

UK AND NEW ZEALAND AND FOUND ITSELF ON OPPOSITE SIDES FROM USSR, JAPAN, AND POLAND, SAME DYNAMIC SEEMS LIKELY AT NEXT STAGE AND WE CAN EXPECT STRONG EFFORTS, BY BOTH GROUPS AND PARTICULARLY FROM USSR, TO EXTRACT CONCESSIONS FROM US ON ONE LEVEL FOR SUPPORT ON THE OTHER.

17. AUSTRALIAN DELEGATION AND CHAIRMAN UNDERSTANDABLY EXPRESSED SOME DISAPPOINTMENT, A DISAPPOINTMENT WHICH WE TO SOME EXTENT SHARE, THAT SCM DID NOT ACHIEVE AGREEMENT ON ALL ITEMS ON ITS AMBITIOUS AGENDA SUFFICIENT TO MOVE DIRECTLY TO DECISIVE MEETING. NEVERTHELESS, THIS SHOULD NOT OBSCURE AMOUNT OF PROGRESS THAT WAS MADE. SUBSTANTIAL GROUND WORK HAS BEEN LAID FOR ACHIEVING A CONSERVATION REGIME IN 1978 AS FORESEEN IN RECOMMENDATION IX-2 OF THE LONDON CONSULTATIVE MEETING. ALSTON

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